

APPEAL NO. 041060
FILED JUNE 28, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 15, 2004. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the first, second, third, and fourth quarters, and that the respondent (carrier) is relieved of liability for SIBs because of the claimant's failure to timely file an Application for [SIBs] (TWCC-52) for the second, third, and fourth quarters. The claimant appealed on sufficiency of the evidence grounds and the carrier responded, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations regarding good faith, ability to work, and the timely filing of the TWCC-52s and conclude that the issues involved factual questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations regarding entitlement to first, second, third, and fourth quarter SIBs, as well as her determination regarding the timely filing of the TWCC-52s for the second, third, and fourth quarters are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Daniel R. Barry
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge